

**STATE BOARD OF COSMETOLOGY EXAMINERS MEETING
MONDAY, SEPTEMBER 21, 2009, 10:00 A.M.
INDIANA GOVERNMENT CENTER SOUTH
402 W. WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204**

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

David Demuth, President
Diane Weisheit, Vice President
Diana Bonn
Elizabeth Lynch
Dr. Rebecca Bushong

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Tina Wiseley, Assistant Director
Lisa Bentley, Deputy Director
Julie Alexander, Deputy Attorney General
Natalie Stidd, Deputy Attorney General

**MINUTES TRANSCRIBED AND
COMPILED BY:**

Tracy Hicks, Board Director

MINUTE 09-79

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

The committee meeting was called to order at 10:00 a.m. by D. Demuth pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

MINUTE 09-80

ADOPTION OF THE AGENDA

D. Weisheit moved to adopt the September 21, 2009 agenda. D. Bonn seconded the motion. Motion carried.

MINUTE 09-81

ADOPTION OF THE MINUTES OF THE JULY 20, 2009 MEETING OF THE BOARD

D. Bonn moved to approve the minutes of the July 20, 2009 meeting of the board. D. Weisheit seconded the motion. Motion carried.

MINUTE 09-82

ADMINISTRATIVE SHOW CAUSE HEARING IN THE MATTER OF THE NAIL LUV, MS39800597 AND KHOI MINH DUONG, MA29501323, SBCE 01-72

The board conducted an administrative show cause hearing in the matter of The Nail Luv, MS39800597 and Khoi Minh Duong, MA29501323, SBCE 01-72. Respondents failed to appear.

D. Bonn moved to hold the respondent in default and suspend the licenses indefinitely with no right to petition for reinstatement for a period of one year, they shall comply with the previous Final Order, and pay the costs of the proceedings in the matter of The Nail Luv, MS39800597 and Khoi Minh Duong, MA29501323, SBCE 01-72. D. Bonn seconded the motion. Motion carried.

MINUTE 09-83

ADMINISTRATIVE HEARING IN THE MATTER OF JUDITH TYSON, BC08901502, SBCE 02-75

The board conducted an administrative hearing in the matter of Judith Tyson, BC08901502, SBCE 02-75.

D. Bonn moved to withdraw probation in the matter of Judith Tyson, BC08901502, SBCE 02-75. W. Lynch seconded the motion. Motion carried.

MINUTE 09-84

ADMINISTRATIVE HEARING IN THE MATTER OF TOLAN N. NGUYEN, MA20001478, SBCE 08-15

The board conducted an administrative hearing in the matter of Tolan N. Nguyen, MA20001478, SBCE 08-15.

D. Bonn moved to reinstate the license on indefinite probation with no right to petition for reinstatement for one year, quarterly appearances to include a report of all licenses employed in her salon, and costs of proceedings prior to request for reinstatement. E. Lynch seconded the motion. Motion carried.

MINUTE 09-85

ADMINISTRATIVE SHOW CAUSE HEARING IN THE MATTER OF PJ'S COLLEGE OF COSMETOLOGY, SC50800040, SBCE 08-26

The board conducted an administrative show cause hearing in the matter of PJ's College of Cosmetology, SC50800040, SBCE 08-26.

D. Weisheit moved to dismiss the Order to Show Cause in the matter of PJ's College of Cosmetology, SC50800040, SBCE 08-26. D. Bonn seconded the motion. Motion carried.

MINUTE 09-86

ADMINISTRATIVE SHOW CAUSE HEARING IN THE MATTER OF NAIL EXPO, MS30500736, SBCE 08-17

The board conducted an administrative show cause hearing in the matter of Nail Expo, MS30500736, SBCE 08-17.

D. Weisheit moved to add another personal appearance day for the July report that was not filed with the board, require only bimonthly reports to be brought with him to personal appearance, the salon menu, lists of employees, and the fine and costs as required in the previous order prior to reinstatement. D. Weisheit further moved to modify probation to add an additional six months to the to the original timer period in which he may petition for withdrawal of probation. R. Bushong seconded the motion. Motion carried.

MINUTE 09-87

ADMINISTRATIVE HEARING IN THE MATTER OF JAY T. VO, MA20705278, SBCE 07-54A

The board conducted an administrative hearing in the matter of Jay T. Vo, MA20705278, SBCE 07-54A.

D. Weisheit moved to issue a notice of proposed dismissal in the matter of Jay T. Vo, MA20705278, SBCE 07-54A. E Lynch seconded the motion. Motion carried.

MINUTE 09-88

PERSONAL APPEARANCES

1. Melissa Calvert, MA20100969 – D. Bonn moved to renew the license on indefinite probation with no right to petition the board for withdraw of probation for a period of one year. Upon petition for removal of probation, she must provide the board with proof of compliance with her criminal probation. D. Weisheit seconded the motion. Motion carried.

2. Heather L. Jarrett, BC20501719 - D. Bonn moved to renew the license on indefinite probation with no right to petition the board for withdraw of probation for a period of one year. Upon petition for removal of probation,

she must provide the board with proof of compliance with her criminal probation. D. Weisheit seconded the motion. Motion carried.

3. Debra L. Denney, MA09000396 – R. Bushong moved to renew the license without restrictions. D. Bonn seconded the motion. Motion carried.

4. Freda D. Boutwell, BC02157784 – D. Bonn moved to renew the license without restrictions. E. Lynch seconded the motion. Motion carried.

5. Richard Dang Van, MA29701428 – R. Bushong moved to deny the renewal of the license due to failure to appear. D. Bonn seconded the motion. Motion carried.

6. Rebecca Jones, BC20600173 – D. Bonn moved to renew the license without restrictions. R. Bushong seconded the motion. Motion carried.

7. Cassie R. Barnhart, BC20601036 – D. Bonn moved to renew the license on indefinite probation with no right to petition for removal of probation for a period of one year. Upon petition for removal of probation, she is required send criminal probationary compliance documentation. R. Bushong seconded the motion. Motion carried.

8. P.J.'s College of Cosmetology by Judith and or Phillip Stewart, SC50800040, SBCE 08-26 – appeared.

9. Lovely Nails by Ly Huu Phan, MS30600511, SBCE 08-27 – Appeared. He has filed June report only. He will send the other reports to the board. He has also not sent in his hand written sanitation procedures. D. Weisheit explained that he needs to comply with everything at the next appearance.

10. Brenda Anderson, BC02117855, SBCE 07-42 – The board requested a show cause order due to failure to appear and pay the fine.

MINUTE 09-89

DISMISSAL ORDER ISSUED IN THE MATTER OF RACHEL S. DEL GUANTO, SBCE 09-14

D. Bonn moved to issue a Dismissal Order in the matter of Rachel S. Del Guanto, SBCE 09-14. E. Lynch seconded the motion. Motion carried.

MINUTE 09-90

DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

D. Weisheit moved to affirm the Administrative Law Judge's order and issue Final Order in the matter of Lori M. Key, Application for Cosmetologist License by Examination, SBCE 09-09. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to affirm the Administrative Law Judge's order and issue Final Order in the matter of Nicole D. Hudson, Application for Cosmetologist License by Examination, SBCE 09-13. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to affirm the Administrative Law Judge's order and issue Final Order in the matter of Hahn Tran for DT Nails, Application for Manicurist Salon License, SBCE 09-18. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to affirm the Administrative Law Judge's order and issue Final Order in the matter of Mimi Hua for Spa Nails 2, Application for Manicurist Salon License, SBCE 09-19. E. Lynch seconded the motion. Motion carried.

MINUTE 09-91

PETITION FOR REINSTATEMENT AND MODIFICATION OF FINAL ORDER IN THE MATTER OF BRENDA ANDERSON, BC02117855, SBCE 07-42

D. Weisheit moved to deny the Petition For Reinstatement and Modification of Final Order in the matter of Brenda Anderson, BC02117855, SBCE 07-42. D. Bonn seconded the motion. Motion carried.

MINUTE 09-92

DISCUSSION REGARDING SUSPENSION TIME OF STUDENTS IN COSMETOLOGY SCHOOLS

The board directed the staff and D. Bonn as complaint liaison to request the Attorney General's office expedite cosmetology school complaints due to the fact that students really have no means of recourse when a school prevents them from obtaining their education.

MINUTE 09-93

CORRESPONDENCE

1. Delaware County Health Department Regarding Tanning Booth Usage as it Relates to Skin Cancer. D. Bonn indicated the county would like to implement their own rules that are more restrictive than the state requirements. The county is concerned with underage tanning.
2. Bill Johnson regarding providing an electronic dictionary at examinations for candidates that speak a language other than what the examination is offered in. D. Weisheit indicated that anything electronic is not acceptable.

MINUTE 09-94

RECONSIDERATION OF APPLICATION FOR COSMETOLOGY LICENSE RENEWAL

D. Bonn moved to require an additional one hundred (100) hours of education and allow an additional six months to pass the examination in the matter of Rhonda Page, BC08626256. E. Lynch seconded the motion. Motion carried.

MINUTE 09-95

CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b), FIRST ATTEMPT EXAMINATION WITHIN ONE YEAR OF GRADUATION

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to sit for the examination for the first time in the matter of Juanita Bender. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to sit for the examination in the matter of Tabitha Reed (Berry). R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to sit for the examination one time only in the matter of Vutheara Chan. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) in the matter of Monica D. Dodson. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to pass the examination in the matter of Sara Dugger. E. Lynch seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to sit for the examination for the first time in the matter of Michelle Robb (Kenney). D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) in the matter of Deanna D. Pate. D. Bonn seconded the motion. Motion carried.

D. Bonn moved to deny the requests for waiver of 820 IAC 2-2-3(b) in the matter of Tina Pittman. E. Lynch seconded the motion. R. Bushong opposed the motion. Motion carried.

D. Weisheit moved to deny the requests for waiver of 820 IAC 2-2-3(b) in the matter of Laura J. Ritchie. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to pass the examination in the matter of Alexis Spencer. D. Bonn seconded the motion. Motion carried.

D. Bonn moved to table the requests for waiver of 820 IAC 2-2-3(b) pending proof of military in the matter of Brittany Walker. D. Weisheit seconded the motion. Motion carried.

D. Weisheit moved to deny the requests for waiver of 820 IAC 2-2-3(b) in the matter of Shaunte Wilcox. E. Lynch seconded the motion. Motion carried.

D. Bonn moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to pass the examination in the matter of Kristen Webb. E. Lynch seconded the motion. Motion carried.

MINUTE 09-96

CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b), COMPLETION OF THE EXAMINATION WITHIN THREE YEARS OF GRADUATION

D. Weisheit moved to deny the requests for waiver of 820 IAC 2-2-3(b) in the matter of Wendy J. Charnley. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to pass the examination in the matter of Julie Housemyer. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) in the matter of Brittany Lantz. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to pass the examination in the matter of India Miller. R. Bushong seconded the motion. Motion carried.

MINUTE 09-97

CONSIDERATION OF REQUEST FOR WAIVER OF 820 IAC 4-1-5(d)

D. Weisheit moved to deny the requests for waiver of 820 IAC 4-1-5(d) in the matter of Morgan BeMiller. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 4-1-5(d) and allow one (1) year to graduate from cosmetology school in the matter of Lori Blackford. D. Bonn seconded the motion. Motion carried.

R. Bushong moved to table the requests for waiver of 820 IAC 4-1-5(d) pending documentation of hardship in the matter of Crystal Hicks. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to deny the requests for waiver of 820 IAC 4-1-5(d) in the matter of Taccasia Porter. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to deny the requests for waiver of 820 IAC 4-1-5(d) due to lack of documentation in the matter of Kristina Sambrano. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to deny the requests for waiver of 820 IAC 4-1-5(d) in the matter of Kimberly Sobel due to lack of documentation. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to deny the requests for waiver of 820 IAC 4-1-5(d) due to lack of documentation in the matter of Concetta Thomas. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 4-1-5(d) and allow one (1) year to graduate from cosmetology school in the matter of Melissa White. D. Bonn seconded the motion. Motion carried.

MINUTE 09-98

CONSIDERATION OF REQUEST FOR WAIVER OF IC 25-8-7-3; IC25-8-12.6-3, IC25-8-7.2-3

R. Bushong moved to grant the request for waiver of the six month licensure requirement to manage a salon in the matter of Latha Asani. D. Demuth seconded the motion. D. Weisheit opposed the motion. Motion carried.

MINUTE 09-99

GRANTING OR DENYING PETITIONS FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

D. Weisheit moved to grant the petitions for review and appoint D. Demuth as the Administrative Law Judge in the matter of Haleigh Abraham, Michael J. Coyle, Samantha Gibson, Brittany J. Wetzel, In Jung Yun and OP Nails and appoint D. Bonn as the Administrative Law Judge in the matter of Samantha Gibson. E. Lynch seconded the motion. Motion carried.

MINUTE 09-100

DEPUTY ATTORNEY GENERAL'S REPORT

IN THE MATTER OF LSA DOC. #08-935 CONCERNING EXAMINATION REQUIREMENTS, SANITATION, COSMETOLOGY SCHOOLS, SALONS, AND COURSE REQUIREMENTS

J. Alexander indicated she would have a final answer before the next meeting regarding proceeding with promulgation of LSA Document # 08-935.

MINUTE 09-101

APPLICATION COMMITTEE REPORT

D. Bonn moved to accept the following application committee report as follows. D. Weisheit seconded the motion. Motion carried.

COSMETOLOGY RECIPROCITY APPLICATIONS

Bhagane, Anisha – APPROVED

Reinitz, Terry F. – APPROVED

COSMETOLOGY EXAMINATION APPLICATIONS

Downing, Dana E. – APPROVED

Figueiredo, Jessica N. – TABLED – need information regarding conviction and sentencing record for all convictions

Gonzales, Patricia G. – APPROVED

Hinds, Penny M. – TABLED – need information regarding sentencing record

Husband, Angela M. – APPROVED

Mason, Barbara J. – APPROVED ON PROBATION

Reed, James R. – APPROVED

COSMETOLOGIST PROVISIONAL APPLICATIONS

Euceda, Olvin A. – APPROVED

Myung, Eunyi – APPROVED

Saloc-Socop, Julia A. – APPROVED

COSMETOLOGIST RESTORATION APPLICATION

Coons, Deborah C. – APPROVED

MANICURIST RECIPROCITY APPLICATIONS

DeCarlo, Sandra L. – DENIED – WENT TO A NAIL SCHOOL – IC 25-8-11-4(3)

Duong, Thao-Jenny – DENIED – WENT TO A NAIL SCHOOL – IC 25-8-11-4(3)

Delaney, Colleen M. – DENIED – WENT TO A NAIL SCHOOL – IC 25-8-11-4(3)

Khong, Nhung T. – DENIED – WENT TO A NAIL SCHOOL – IC 25-8-11-4(3)
Nguyen, Hong Thu – DENIED – WENT TO A NAIL SCHOOL – IC 25-8-11-4(3)

COSMETOLOGY SALON APPLICATION

House of Beauty – DENIED – Incomplete application – IC 25-8-7-2(4)
Salon We Made It LLC – DENIED – Unlicensed Practice, Sanitation – IC 25-1-11-19(a)(1)(B)

MANICURIST SALON APPLICATIONS

Mimi Nails – DENIED – Unlicensed Practice – IC 25-1-11-19(a)(1)(B)
O.P. Nails – DENIED – Unlicensed Practice – IC 25-1-11-19(a)(1)(B)
Tammy Nails – DENIED – Unlicensed Practice – IC 25-1-11-19(a)(1)(B)
Nails Pro – APPROVED

MINUTE 09-102

RULES COMMITTEE REPORT

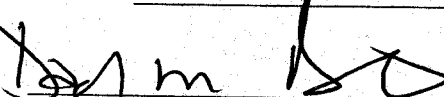
Mobile salon rules were not discussed.

MINUTE 09-103

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 5:19 p.m.

DATED: 1.11.10



DAVID DEMUTH, PRESIDENT



ATTEST BY:

TRACY HICKS, BOARD DIRECTOR